

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDRE TOLIVER,

No. C 07-2744 WHA (PR)

Petitioner,

**ORDER GRANTING
RESPONDENT'S MOTION FOR
EXTENSION OF TIME AND
DENYING PETITIONER'S
MOTION FOR ADJUDICATION**

v.

A. J. MALFI, Warden,

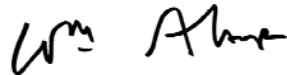
Respondent.

This is a habeas case brought pro se by a state prisoner. Respondent's motion for an extension to time file an answer (document number 5) is **GRANTED**. The answer is deemed timely.

Petitioner has filed a motion he captions "Petitioner's Timely Submitted Motion for Magistrate's Compliance with Fed. R. Civ. P. 12(f) While Acting to Adjudicate of the (viz. Pet. Ground IV) Claim, Absent Respondent's Surplusage in Answer." The argument in the motion itself is not much more comprehensible than the caption, but it appears petitioner wants the Court to rule in his favor on one of his grounds. The merits of the petition will be considered in the case's proper order. The motion (document number 21) is **DENIED**.

IT IS SO ORDERED.

Dated: January 28, 2008.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE